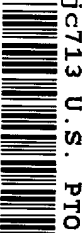


03/16/00



03-17-00

Docket No. MIT8412

A

Box Patent Application  
Assistant Commissioner of Patents  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of :

Inventor(s): Yoel Fink, John D. Joannopoulos & Edwin L. Thomas

For (title): BIOCOMPATIBLE PHOTONIC CRYSTALS

JC542 U.S. PTO  
09/527579  
03/16/00

1. Type of Application

- ☒ Utility  
☐ Design

2. Benefit of Prior U.S. Application(s) Under 35 U.S.C. §120

This application is a:

- ☐ Divisional  
☐ Continuation  
☐ Continuing Patent Application (CPA)  
☐ Continuation-in-part (CIP),

and hereby claims benefit under 35 U.S.C. §120 to the following applications:

SERIAL NUMBER	FILING DATE

3. Benefit of Non-U.S. Application Under 35 U.S.C. §119(a)-(d)

This application claims priority under 35 U.S.C. §119(a)-(d) to the following foreign application(s) and/or inventor certificate(s):

COUNTRY	APPLN. NUMBER	FILING DATE
None		

Certified copy(ies) of the application(s) and/or inventor certificate's from which priority is claimed:

- ☐ is(are) attached;  
☐ will follow.

EL394290934US

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date March 16, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL394290934US addressed to the: Assistant Commissioner of Patents, Washington, D.C. 20231.

Deborah M. Costello

4. **Benefit of Provisional Application Under 35 U.S.C. §119(e)**

This application claims priority to the following provisional application(s):

SERIAL NUMBER	FILING DATE
60/125,206	03/18/99

5. **Papers Enclosed Which Are Required For Filing Date Under 37 C.F.R. §1.53**

14 Pages of Specification, including claims, abstract and coversheet  
2 Sheets of Drawing

JC542 U.S. PTO  
09/527579  
03/16/00

6. **Additional Papers Enclosed**

- ☐ Declaration and Power of Attorney  
☐ Preliminary Amendment  
☐ Information Disclosure Statement (37 CFR 1.98), Form PTO-1449 and a copy of each cited reference  
☐ Assignment and Form PTO-1595  
☒ Copy of Small Entity Declaration as filed in the Provisional  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing" computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequences.  
☐ Other \_\_\_\_\_

7. **Application Filing Fee Calculation**

A. ☒ Utility Application

**FEE CALCULATION:**

Total Claims: 25 - 20 = 5 × \$18 = \$90.00  
Independent Claims: 10 - 3 = 7 × \$78 = \$546.00  
Basic Fee: ..... \$690.00  
Multiple-Dependent-Claim Fee : ..... \$

Total of the Above Calculations:..... \$1,326.00

- ☐ Amendment canceling extra claims enclosed.  
☐ Amendment deleting multiple dependencies enclosed.  
☐ Fee for extra claims is not being paid at this time.

B. ☐ Design application - \$310 \$  
Application Filing Fee Sub-Total ..... \$  
C. ☐ Less 50% reduction for small entity..... \$663.00  
D. ☐ Non-English Specification - \$130..... \$  
**TOTAL FILING FEE ..... \$663.00**

8. **Payment**

☒

Enclosed

☒

Check in the amount of the Total Filing Fee set forth above.

☐

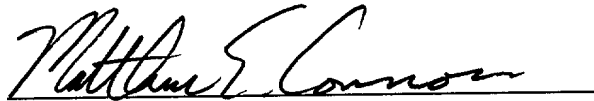
Charge Account No. 19-0079 in the amount of Total Filing Fee set forth above. A duplicate of this transmittal is attached.

☐

Not Enclosed

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper or any paper filed in connection with this Patent Application, or refund any overpayment to our Deposit Order Account No. 19-0079.

Respectfully submitted,



Matthew E. Connors

Reg. No. 33,298

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Boston, MA. 02110

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Applicant or Patentee: Yoel Fink. et al.  
Serial or Patent No.:  
Attorney's Docket No.: MIT 8005 -2  
Filed or Issued:  
For: A Biocompatible Photonic Gap Material

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Massachusetts Institute of Technology  
ADDRESS OF ORGANIZATION: 77 Massachusetts Avenue  
Cambridge, MA 02139

**TYPE OF ORGANIZATION**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(a) and 501(c) (3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF  
STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE  
SERVICE CODE (26 USC 501(a) and 501(c) (3)) IF LOCATED IN THE  
UNITED STATE OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL  
UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled A Polymer-Inorganic Multilayer Dielectric Film by inventor(s) Yoel Fink. et al described in

- ☒ the specification filed herewith.
- ☐ application serial no. , filed .
- ☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9 (c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS: \_\_\_\_\_

( )INDIVIDUAL ( )SMALL BUSINESS CONCERN ( )NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( )INDIVIDUAL ( )SMALL BUSINESS CONCERN ( )NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Jarmila Z. Hrbek

TITLE IN ORGANIZATION

Patent Administrator and Office Manager,  
Technology Licensing Office

ADDRESS OF PERSON SIGNING

77 Massachusetts Avenue, Room NE25-230

Cambridge, MA 02139

SIGNATURE

*Jarmila Z. Hrbek*

DATE

*March 16, 1998*

**UNITED STATES PATENT APPLICATION**

*of*

**YOEL FINK**

**JOHN D. JOANNOPOULOS**

**and**

**EDWIN L. THOMAS**

*for*

**BIOCOMPATIBLE PHOTONIC CRYSTALS**

**A BIOCOMPATIBLE PHOTONIC BAND GAP MATERIAL****PRIORITY INFORMATION**

This application claims priority from provisional application Ser. No. 60/125,206 filed March 18, 1999.

**BACKGROUND OF THE INVENTION**

The invention relates to the field of dielectric structures also known as photonic crystals, and in particular to structures with high reflectivity characteristics that are made of biocompatible materials. Biocompatibility is defined as any material that can come in contact with at least one part of the body without causing significant health hazards. For example, an edible material is a subset of the biocompatible materials since it could come in contact with the digestive system without causing significant health hazards. Further examples include metabolizable materials, injectable materials or material which are introduced to the body via bodily systems, e.g., respiratory, epidermal, etc.

Dielectric structures can have a variation in the index of refraction in one, two or three directions. Depending on the details of the structure, one can form photonic band gaps in one or more directions. Devices that have photonic band gaps are used in a wide variety of optical devices that typically utilize the frequency selective reflectivity that these structures exhibit.

The simplest system being a multilayer film, including for example various three dimensional arrangements of spheres and other arrangements of dielectric media. A comprehensive theory on the optical properties of these dielectric structures has been published (see Joannopoulos et al., *Photonic Crystals Molding the Flow of Light*, Princeton University Press, 1995).

## **SUMMARY OF THE INVENTION**

The materials system or dielectric structure, for example photonic crystal, of the invention includes a plurality of materials that are biocompatible. The materials have different indices of refraction for the wavelength of operation and are assembled into a dielectric structure having a photonic band gap in one or more directions. The assembly process yields a structure with a particular spatial arrangement of materials with different indices of refraction which is completely biocompatible and has the property of reflecting light at a particular predetermined range of frequencies, as well as other properties associated with photonic band gaps. These structures can exhibit photonic band gaps that can be engineered to be broad or narrow and be centered on different parts of the spectrum UV, visible IR or longer wavelengths. The materials used can have microwave transparency or be made to reflect microwaves. Possible applications include edible reflectors for visible to impart a particular color to the food or specular appearance, heat shields to minimize radiative and evaporative and convective heat losses, and as a UV protection layer.

## **BRIEF DESCRIPTION OF THE DRAWINGS**

FIG. 1 is a simplified block diagram of an exemplary embodiment of a multilayer dielectric film structure in accordance with the invention; and

FIG. 2 is a simplified block diagram of an exemplary embodiment of a multilayer dielectric film structure including alternating layers of a starch polymer and titania ( $\text{TiO}_2$ ) in accordance with the invention.

## **DETAILED DESCRIPTION OF THE INVENTION**

In the following description of the invention examples of multilayer film structure will be utilized for illustration and simplicity since the optical properties of this structure can be analyzed analytically. Most of the current applications involving the multilayer film utilize the reflection or transmission of light of nearly normal incidence, although grazing angle applications exist as well. The optical response of a multilayer dielectric film to light of off-normal incidence has been investigated, and is angle-of-incidence and polarization dependent. If properly constructed, a multilayer dielectric film will have selective frequencies regions of high and low reflectivity. Making the film out of biocompatible articles will allow for the construction of a biocompatible reflector.

The materials system which will make up the dielectric structure, e.g., photonic crystal, of the invention includes one or more biocompatible materials thereof, such as but not limited to starch, cellulose, polylactic acid, polymethyl methacrylate, polyacrylic acid and carbohydrates. The materials are assembled into a structure with a spatial variation of the index of refraction that can be in one, two or three directions. For simplicity and purposes of illustration, the invention will be described in the context of a multilayer film, though other types of structures are possible. To enhance the dielectric contrast between the layers, one can add a compatible high index of refraction filler component, such as but not limited to titania ( $\text{TiO}_2$ ).

FIG. 1 is a simplified block diagram of an exemplary embodiment of a multilayer dielectric film structure 100 in accordance with the invention. The structure 100 includes

alternating layers of a first material 102 of a biocompatible material with an index of refraction  $n_2$  and thickness  $h_2$ , and a second material 104 of a biocompatible high index refraction component  $n_1$  and thickness  $h_1$  on a substrate 106. Also shown in FIG. 1 are the incident wave vector  $k$  originating from the ambient medium  $n_0$  and the electromagnetic mode convention TM and TE.

In applications involving the use of the structure 100 for reflecting purposes, it will be appreciated that all of the individual film materials used have some degree of transparency for the wavelength (frequency) range of interest. The compatibility of the materials is taken in the broadest sense subject to the proximity imposed by the structure and the particular method of assembly. The two (or more) components will also have chemical compatibility, i.e., the materials will not degrade when in contact with one another, and physical compatibility.

The layers can be assembled on a substrate and subsequently removed or coated directly onto a surface that is part of the application. The surface should be wetted by the material that forms the first layer. The substrate can be treated with a surface modifying group for good adherence or easy removal of the assembled structure. An exemplary assembly of layers which can be subsequently removed includes a glass surface coated initially with Victawet (sodium salt of 2-ethylhexyl acid phosphate provided by SPI Inc.), and then sequentially layered with the selected materials. After assembly, the dielectric multilayer film can be removed from the Victawet coated glass substrate by using water, which will not damage a hydrophobic polymer.

Polymers are presented to illustrate deposition techniques of other nonpolymeric materials can be used. Polymer layers of controlled thickness can be deposited by a variety of

known techniques, for example, spraying or by dip coating a polymer layer from a solvent such as water. The concentration of the solution and the dip rate can be used to control thickness. Evaporation casting can be also used to deposit polymer layers. In this technique a dilute solution of the polymer is prepared, which is then cast on the surface. A polymer layer can also be deposited by heat or vacuum evaporation or by spraying onto a surface. In the assembly process, care should be taken to prevent damage of underlying layers by the presence of solvent, in general a technique which involves a minimal presence of solvent such as spin coating is preferable.

The optical response of a particular dielectric multilayer film can be predicted using the characteristic matrix method as described in Driscoll et al., *Handbook of Optics*, McGraw-Hill 8-42 – 8-43 (1978), incorporated herein by reference. In this method, a 2x2 unitary matrix is constructed for each layer of the structure. This matrix represents a mapping of the field components from one side of the layer to the other. To successfully predict the optical response of a multilayer film, the characteristic matrix for each layer needs to be calculated. The form of the characteristic matrix for the  $j^{\text{th}}$  layer is

$$m^g(\theta)_j = \begin{bmatrix} \cos\beta_j & -\frac{i}{p_j^g} \sin\beta_j \\ -ip_j^g \sin\beta_j & \cos\beta_j \end{bmatrix} \quad (g = \text{TE, TM})$$

$$\beta_j = kh_j \sqrt{n_j^2 - \text{snell}(\theta)^2}$$

$$\text{snell}(\theta) = n_0 \sin \theta_0$$

$$p_j^g = \begin{cases} \sqrt{n_j^2 - \text{snell}(\theta)^2} & g = \text{TE} \\ \frac{\sqrt{n_j^2 - \text{snell}(\theta)^2}}{n_j^2} & g = \text{TM} \end{cases}$$

5

where  $n_j$  is the index of refraction,  $h_j$  is the thickness of the  $j^{\text{th}}$  layer,  $\theta_0$  is the angle between the incident wave and the normal to the surface, and  $n_0$  is the index of the external medium, e.g., air.

The matrices are then multiplied to give the film's characteristic matrix

10

$$M^g(\theta) = \prod_{j=1}^N m_j^g (g = \text{TM or TE})$$

which in turn can be used to calculate the reflectivity for a given polarization and angle of incidence,

$$R^g(\theta) = \frac{\left| (M_{11}^g(\theta) + M_{12}^g(\theta)p_1^g)p_0^g - (M_{21}^g(\theta) + M_{22}^g(\theta)p_1^g) \right|^2}{\left| (M_{11}^g(\theta) + M_{12}^g(\theta)p_1^g)p_0^g + (M_{21}^g(\theta) + M_{22}^g(\theta)p_1^g) \right|^2}$$

where  $p_0^g$  contains information about the index of the medium and angle of incidence on one side of the multilayer film and  $p_1^g$  contains information about the index of the medium and angle of incidence on the other.

In certain embodiments, a finite periodic film consisting of alternating layers of

20

materials with different indices of refraction is formed which exhibits high reflectivity for a particular range of frequencies determined by the respective thickness of the layers and their indices of refraction. The center frequency of the high reflectivity region at a particular angle of incidence  $\theta$  is given by

$$\omega_{\text{midgap}}^g(\theta) = \frac{c}{h_2\sqrt{n_2^2 - \text{snell}^2(\theta)} + h_3\sqrt{n_3^2 - \text{snell}^2(\theta)}} \left\{ \cos^{-1} \left( -\frac{\Lambda^g(\theta) - 1}{\sqrt{1 + \Lambda^g(\theta)}} \right) + \cos^{-1} \left( +\frac{\Lambda^g(\theta) - 1}{\sqrt{1 + \Lambda^g(\theta)}} \right) \right\}$$

25

5 The extent in frequency of this region for a given angle of incidence  $\theta$  and at a particular polarization  $g$  is given by

$$\Delta\omega^g(\theta) = \frac{2c}{h_2\sqrt{n_2^2 - \text{snell}^2(\theta)} + h_3\sqrt{n_3^2 - \text{snell}^2(\theta)}} \left\{ \cos^{-1}\left(-\sqrt{\frac{\Lambda^g(\theta)-1}{1+\Lambda^g(\theta)}}\right) - \cos^{-1}\left(+\sqrt{\frac{\Lambda^g(\theta)-1}{1+\Lambda^g(\theta)}}\right) \right\}$$

where

$$\Lambda^g(\theta) = \frac{1}{2} \left( \frac{p_2^g}{p_3^g} + \frac{p_3^g}{p_2^g} \right)$$

10  $n_2, n_3$  are the indices of refraction of the two layers repeated throughout the structure,  $h_2, h_3$  are their thicknesses, and  $c$  is the speed of light in vacuum.

FIG. 2 is a simplified block diagram of an exemplary embodiment of a multilayer dielectric film structure 200 in accordance with the invention. The structure 200 includes alternating layers of a starch polymer layer 202 and a titania layer 204. The polymer exhibits low loss in the 0.35 - 3 micron range, and forms continuous ultra smooth films. The index of refraction for the polymer is very close to 1.5 across the entire frequency range of interest.

As a first exemplary example, in order to create an edible photonic crystal coating on a candy bar, one will take an aqueous solution of starch (~2weight percent) and an aqueous solution of titania particles in sugar (20-80nm, 50:50 sugar titania ratio total solids 2.5% weight in diameter) and dip the candy bar into both solutions alternately 25 times in each solution. The resulting structure will be a 50 layer edible photonic crystal. The concentration of the solutions can be varied to include solutions of 3%, 5% and 10% solid concentration, and a dipping sequence which would start by alternating between two solutions one of sugar + titania of 2.5% concentration with starch 2.5% for 20 dippings, then move to the 3%

5 concentration pair for 20 dippings and then to the 10 %. It will be appreciated that the foregoing are just examples and that other concentrations are possible. The effect would be to build a super stack broad band reflector by connecting stacks of different characteristic periodicity.

10 A second exemplary example involves the synthesis of sugar spheres in the 0.25-0.5 micron size range and the subsequent arrangement into closed packed lattice. These structures can exhibit photonic band gaps that can be engineered to be broad or narrow and be centered on different parts of the spectrum UV, visible IR or longer wavelengths. The materials used can have microwave transparency or be made to reflect microwaves. Possible applications include edible reflectors for visible light to impart a particular color to the food or specular appearance, heat shields to minimize radiative and evaporative and convective heat losses, and as a UV protection layer. These are examples that are given as illustration and are not comprehensive.

15 Although the present invention has been shown and described with respect to several preferred embodiments thereof, various changes, omissions and additions to the form and detail thereof, may be made therein, without departing from the spirit and scope of the invention.

20 What is claimed is:

## CLAIMS

1           1. A biocompatible photonic crystal comprising a structure of a plurality of  
2 biocompatible materials.

1           2. The photonic crystal of claim 1, wherein at least one of said materials are digestible.

1           3. The photonic crystal of claim 1, wherein at least one of said materials are  
2 metabolizable.

1           4. The photonic crystal of claim 1, wherein said materials comprise different indices of  
2 refraction for a defined frequency range of operation.

1           5. The photonic crystal of claim 4, wherein said structure is repetitive in indices of  
2 refraction along one or more directions.

1           6. The photonic crystal of claim 1, wherein at least one of said materials comprise a  
2 degree of transparency at a defined frequency range of operation.

1           7. The photonic crystal of claim 6, wherein at least one of said materials are  
2 transparent in the microwave regime.

1 8. The photonic crystal of claim 1, wherein at least one of said materials comprises  
2 starch, cellulose, polyactic acid polymethyl methacrylate, polyacrylic acid or carbohydrates.

1 9. The photonic crystal of claim 1, wherein at least one of said materials comprises  
2 titania.

1 10. The photonic crystal of claim 1, wherein said titania has a degree of transparency  
2 at a defined frequency range of operation.

1 11. The photonic crystal of claim 1, wherein said structure is highly reflective for a  
2 defined frequency range of operation.

1 12. The photonic crystal of claim 1, wherein at least one of said materials are  
2 absorbing within a defined frequency range of operation.

1 13. The photonic crystal of claim 1, wherein said structure comprises a coating.

1 14. The photonic crystal of claim 1, wherein said structure selectively reflects desired  
2 frequency ranges in at least one direction.

1 15. A biocompatible structure comprising a plurality of biocompatible materials that  
2 are arranged to define a photonic crystal.

1 16. A biocompatible coating comprising a photonic crystal structure having a plurality  
2 of biocompatible materials.

1 17. A biocompatible reflector comprising a photonic crystal structure having a plurality  
2 of biocompatible materials.

1 18. A biocompatible heat shield comprising a photonic crystal structure having a  
2 plurality of biocompatible materials.

1 19. A biocompatible UV protection layer comprising a photonic crystal structure  
2 having a plurality of biocompatible materials.

1 20. A radiative heat barrier comprising a biocompatible photonic crystal structure  
2 having a plurality of biocompatible materials.

1 21. A piece of candy comprising a photonic structure having a plurality of  
2 biocompatible materials.

1 22. A method of coating a substrate comprising:  
2 providing a biocompatible photonic crystal structure having a plurality of biocompatible  
3 materials;  
4 dispersing said structure in a carrier fluid; and

5 applying said dispersed structure on said substrate.

1 23. A method of coloring food comprising integrating a biocompatible photonic crystal  
2 structure having a plurality of biocompatible materials within said food item, said photonic  
3 crystal structure being configured to reflect a predetermined color.

1 24. The method of claim 23, wherein said step of integrating comprises coating said  
2 food item with said biocompatible photonic crystal structure.

25. The method of claim 23, wherein said food item comprises candy.

**ABSTRACT**

A materials system or dielectric structure, for example a photonic crystal, of the invention includes a plurality of materials that are biocompatible. The materials have different indices of refraction for the wavelength of operation and are assembled into a dielectric structure having a photonic band gap in one or more directions. The assembly process yields a structure with a particular spatial arrangement of materials with different indices of refraction which is completely biocompatible and has the property of reflecting light at a particular predetermined range of frequencies, as well as other properties associated with photonic band gaps. These structures can exhibit photonic band gaps that can be engineered to be broad or narrow and be centered on different parts of the spectrum UV, visible IR or longer wavelengths. The materials used can have microwave transparency or be made to reflect microwaves. Possible applications include edible reflectors for visible to impart a particular color to the food or specular appearance, heat shields to minimize radiative and evaporative and convective heat losses, and as a UV protection layer.

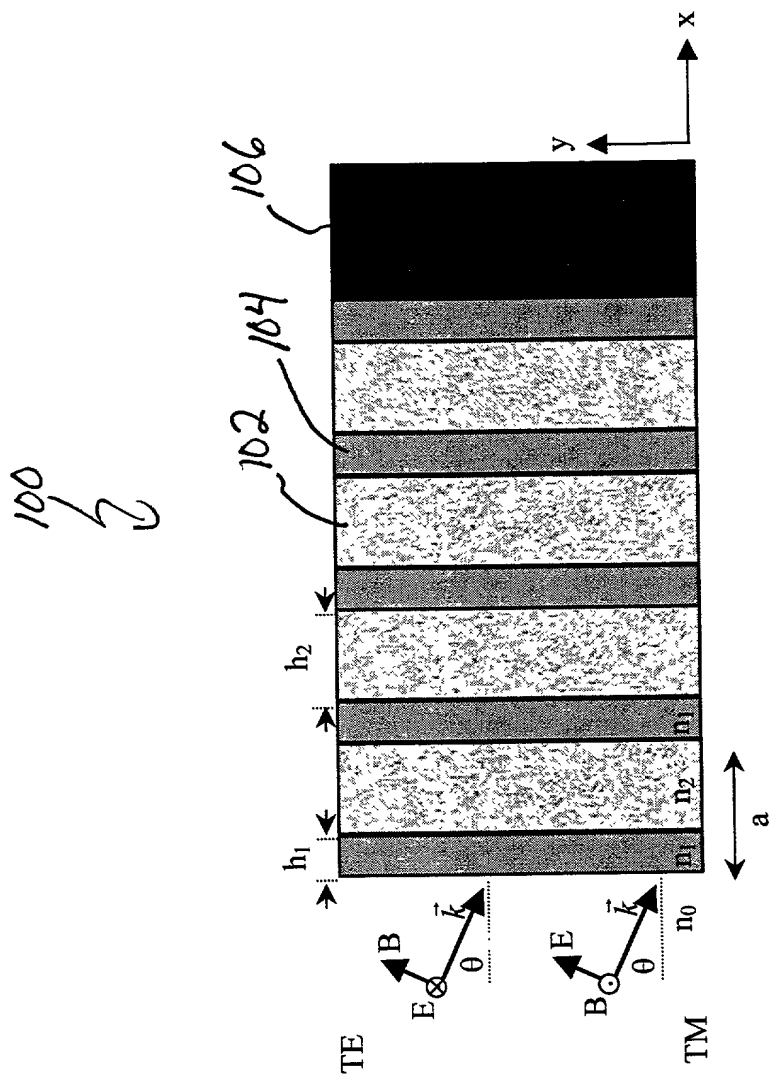


FIG. 1

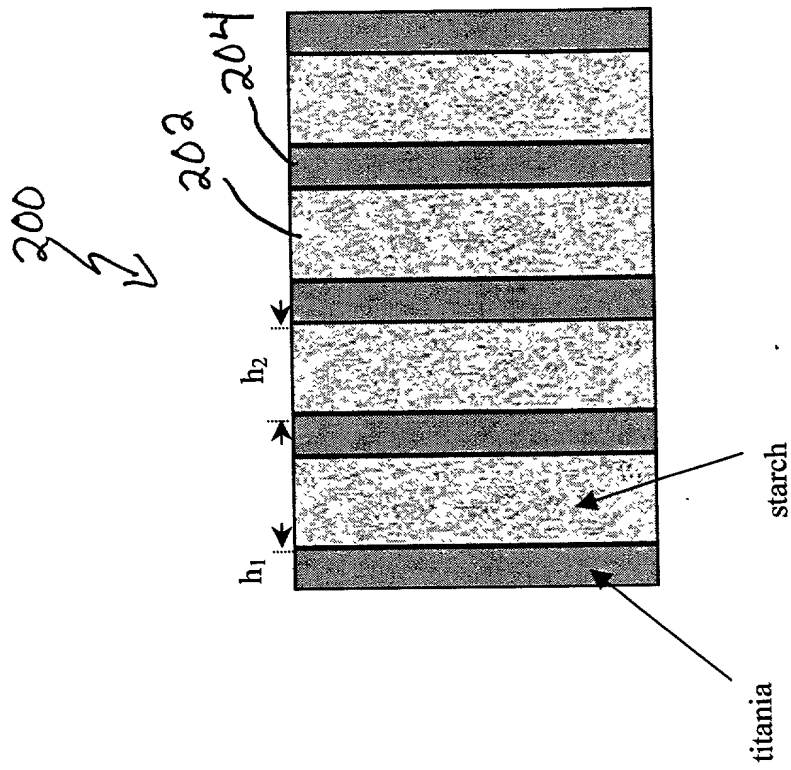


FIG. 2